

**Excerpt from the  
CITY PLANNING COMMISSION MINUTES  
Minneapolis Community Planning & Economic Development (CPED)**

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**MEMORANDUM**

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DATE: March 21, 2013

TO: Zoning and Planning Committee

FROM: Jason Wittenberg, Manager, Community Planning & Economic Development – Land Use, Design and Preservation

SUBJECT: Planning Commission decisions of March 4, 2013

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The following actions were taken by the Planning Commission on March 4, 2013. As you know, the Planning Commission's decisions on items other than rezonings, text amendments, vacations, 40 Acre studies and comprehensive plan amendments are final subject to a ten calendar day appeal period before permits can be issued.

Commissioners present: President Tucker, Cohen, Gagnon, Huynh, Kronzer, Luepke-Pier, Schiff and Wielinski – 8

Committee Clerk: Lisa Baldwin (612) 673-3710

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**7. Five15 On the Park (formerly Currie Park Lofts) (BZZ-5918, PL-273 and Vac-1608, Ward: 2), 1500, 1506 and 1514 6<sup>th</sup> St S; 1500, 1501, 1506, 1507, and 1515 5<sup>th</sup> St S; 1505 and 1509 4<sup>th</sup> St S ([Becca Farrar](#)).**

**A. Conditional Use Permit:** Application by Fine Associates, on behalf of Currie Park Developments, LLC, for a conditional use permit for a two-phase Planned Unit Development (PUD) with an alternative request for yards for the properties located at 1500, 1506 and 1514 6<sup>th</sup> St S; 1500, 1501, 1506, 1507, and 1515 5<sup>th</sup> St S; 1505 and 1509 4<sup>th</sup> St S.

**Action:** The City Planning Commission adopted the findings and **approved** the application for a conditional use permit for Phase I of a Planned Unit Development on the properties located at 1500, 1506 and 1514 6<sup>th</sup> St S; 1500, 1501, 1506, 1507, and 1515 5<sup>th</sup> St S; 1505 and 1509 4<sup>th</sup> St S. subject to the following conditions:

1. The conditional use permit shall be recorded with Hennepin County as required by Minn. Stat. 462.3595, subd. 4 before building permits may be issued or before the use or activity requiring a conditional use permit may commence. Unless extended by the zoning administrator, the conditional use permit shall expire if it is not recorded within two years of approval.

1. As required by section 527.120 of the zoning code, the development shall comply with the standards for some combination of the following amenities from Table 527-1, Amenities and those proposed by the applicant totaling a minimum of 15 points: outdoor open space, outdoor children's play area, reflective roof, decorative fencing, and a recycling storage area.
2. Fencing shall not be permitted along the east property that precludes pedestrians from utilizing the access easement.
3. The existing surface parking lot on the north side of the site will not require compliance with the design and maintenance provisions of Section 530.170 of the Zoning Code provided the applicant obtains approvals for Phase II of the PUD by March 4, 2016.

**Aye:** Cohen, Gagnon, Kronzer, Luepke-Pier, Schiff and Wielinski.

**Recused:** Tucker

**B. Variance:** Application by Fine Associates, on behalf of Currie Park Developments, LLC, for a variance of the interior/rear yard setbacks along the north property lines for the properties located at 1500, 1506 and 1514 6<sup>th</sup> St S; 1500, 1501, 1506, 1507, and 1515 5<sup>th</sup> St S; 1505 and 1509 4<sup>th</sup> St S..

**Action:** The City Planning Commission adopted the findings and **approved** the application to allow a variance of the interior/rear yard setbacks along the north property lines to approximately 1 foot at the closest point to the building wall on the properties located at 1500, 1506 and 1514 6<sup>th</sup> St S; 1500, 1501, 1506, 1507, and 1515 5<sup>th</sup> St S; 1505 and 1509 4<sup>th</sup> St S.

**Aye:** Cohen, Gagnon, Kronzer, Luepke-Pier, Schiff and Wielinski.

**Recused:** Tucker

**C. Variance:** Application by Fine Associates, on behalf of Currie Park Developments, LLC, for a variance of the interior/rear yard setbacks along the east property lines for the properties located at 1500, 1506 and 1514 6<sup>th</sup> St S; 1500, 1501, 1506, 1507, and 1515 5<sup>th</sup> St S; 1505 and 1509 4<sup>th</sup> St S..

**Action:** The City Planning Commission adopted the findings and **approved** the application to allow a variance of the interior/rear yard setbacks along the east property lines to approximately 6 feet at the closest point for the building wall and to allow a transformer, and decks that exceed the allowable encroachment parameters on the properties located at 1500, 1506 and 1514 6<sup>th</sup> St S; 1500, 1501, 1506, 1507, and 1515 5<sup>th</sup> St S; 1505 and 1509 4<sup>th</sup> St S.

**Aye:** Cohen, Gagnon, Kronzer, Luepke-Pier, Schiff and Wielinski.

**Recused:** Tucker

**D. Variance:** Application by Fine Associates, on behalf of Currie Park Developments, LLC, for a variance to allow a child care center in excess of 2,000 square feet at approximately 3,000 square feet for the properties located at 1500, 1506 and 1514 6<sup>th</sup> St S; 1500, 1501, 1506, 1507, and 1515 5<sup>th</sup> St S; 1505 and 1509 4<sup>th</sup> St S.

**Action:** The City Planning Commission adopted the findings and **approved** the variance application to allow a child care center in excess of 2,000 square feet at approximately 3,000 square feet on the properties located at 1500, 1506 and 1514 6<sup>th</sup> St S; 1500, 1501, 1506, 1507, and 1515 5<sup>th</sup> St S; 1505 and 1509 4<sup>th</sup> St S.

**Aye:** Cohen, Gagnon, Kronzer, Luepke-Pier, Schiff and Wielinski.

**Recused:** Tucker

**E. Variance:** Application by Fine Associates, on behalf of Currie Park Developments, LLC, for a variance of the Pedestrian-Oriented Overlay District standards pertaining to curb cut width from 20 feet to 29 feet for the properties located at 1500, 1506 and 1514 6<sup>th</sup> St S; 1500, 1501, 1506, 1507, and 1515 5<sup>th</sup> St S; 1505 and 1509 4<sup>th</sup> St S..

**Action:** The City Planning Commission adopted the findings and **approved** the variance application of the Pedestrian-Oriented Overlay District standards pertaining to curb cut width from 20 feet to 24 feet on the properties located at 1500, 1506 and 1514 6<sup>th</sup> St S; 1500, 1501, 1506, 1507, and 1515 5<sup>th</sup> St S; 1505 and 1509 4<sup>th</sup> St S.

**Aye:** Cohen, Gagnon, Kronzer, Luepke-Pier, Schiff and Wielinski.

**Recused:** Tucker

**F. Variance:** Application by Fine Associates, on behalf of Currie Park Developments, LLC, for a variance of the loading requirement to allow one small loading space for the properties located at 1500, 1506 and 1514 6<sup>th</sup> St S; 1500, 1501, 1506, 1507, and 1515 5<sup>th</sup> St S; 1505 and 1509 4<sup>th</sup> St S..

**Action:** The City Planning Commission adopted the findings and **approved** the variance application of the loading requirement to allow one small loading space on the properties located at 1500, 1506 and 1514 6<sup>th</sup> St S; 1500, 1501, 1506, 1507, and 1515 5<sup>th</sup> St S; 1505 and 1509 4<sup>th</sup> St S.

**Aye:** Cohen, Gagnon, Kronzer, Luepke-Pier, Schiff and Wielinski.

**Recused:** Tucker

**G. Site Plan Review:** Application by Fine Associates, on behalf of Currie Park Developments, LLC, for a site plan review for a new 6-story mixed-use development that includes 260 dwelling units with a total of 271 bedrooms and approximately 6,000 square feet of ground level neighborhood-serving retail spaces. A total of 242 off-street parking stalls are provided. The properties are zoned R6 (Multiple-family) District and are located in the Cedar-Riverside Transit Station Area (TSA), Pedestrian-Oriented (PO) Overlay District and University Area (UA) Overlay District at 1500, 1506 and 1514 6<sup>th</sup> St S; 1500, 1501, 1506, 1507, and 1515 5<sup>th</sup> St S; 1505 and 1509 4<sup>th</sup> St S..

**Action:** The City Planning Commission adopted the findings and **approved** the site plan application for a new 6-story mixed-use development that includes 260 dwelling units with a total of 271 bedrooms and approximately 6,000 square feet of ground level neighborhood-serving retail spaces on the properties located at 1500, 1506 and 1514 6<sup>th</sup> St S; 1500, 1501, 1506, 1507, and 1515 5<sup>th</sup> St S; 1505 and 1509 4<sup>th</sup> St S subject to the following conditions:

1. All site improvements shall be completed by April 12, 2015, unless extended by the Zoning Administrator, or the permit may be revoked for non-compliance.
2. CPED Staff review and approval of the final site, elevation, landscaping and lighting plans before building permits may be issued.
3. The blank walls greater than 25 feet in width on the north and east elevations of the building shall be modified to incorporate architectural elements including recesses and projections, windows and entries per Section 530.120 of the Zoning Code.
4. Cement board shall not exceed more than 30% coverage on primary elevations of the proposed building and shall not exceed 60% on secondary elevations.

**Aye:** Cohen, Gagnon, Kronzer, Luepke-Pier, Schiff and Wielinski.

**Recused:** Tucker

**H. Plat:** Application by Fine Associates, on behalf of Currie Park Developments, LLC, for a preliminary plat for the properties located at 1500, 1506 and 1514 6<sup>th</sup> St S; 1500, 1501, 1506, 1507, and 1515 5<sup>th</sup> St S; 1505 and 1509 4<sup>th</sup> St S..

**Action:** The City Planning Commission adopted the findings and **approved** the preliminary plat for properties located at 1500, 1506 and 1514 6<sup>th</sup> St S; 1500, 1501, 1506, 1507, and 1515 5<sup>th</sup> St S; 1505 and 1509 4<sup>th</sup> St S.

**Aye:** Cohen, Gagnon, Kronzer, Luepke-Pier, Schiff and Wielinski.

**Recused:** Tucker

**I. Vacation:** Application by Fine Associates, on behalf of Currie Park Developments, LLC, for a vacation of three sidewalk easements (I, II and III) that run through the property located at 1500, 1506 and 1514 6<sup>th</sup> St S; 1500, 1501, 1506, 1507, and 1515 5<sup>th</sup> St S; 1505 and 1509 4<sup>th</sup> St S..

**Action:** The City Planning Commission recommended that the City Council adopt the findings and approve the vacation application for two of the three sidewalk easements, II and III (Vacation File 1608) subject to the provision of an easement to Centurylink, and sidewalk easement I shall be maintained in order to ensure pedestrian access.

**Aye:** Cohen, Gagnon, Kronzer, Luepke-Pier, Schiff and Wielinski.

**Recused:** Tucker

Staff Farrar presented the report.

**Commissioner Kronzer:** Could you put up the easement drawing that you just had up? My question is about the “Z” shaped vehicular easement. Is that a free movement of vehicles from Riverside Plaza to 15<sup>th</sup>, meaning there aren’t any gates or anything preventing vehicles or rabbits or dogs or people to walk through that easement?

**Staff Farrar:** This specific location here? That is true. One of the letters or emails I received from the abutting property owner, his attorney did talk in depth about the fact that the applicant was proposing a fence along that east property line and we talked about that at Committee of the Whole. That was another thing that come up in the staff report was making sure there was not a fence installed here and that the area remains open. As you’ll recall, the applicant at no time was proposing to actually block vehicular access, it was just extending it so they could prevent the pedestrians from coming at that point, fully recognizing that probably pedestrians and traffic were going to access the site through this portion here.

Commissioner Huynh opened the public hearing.

**Bob Kueppers (1916 IDS Center):** I’m with Fine Associates and we are representing the owner of the development Currie Park Lofts LLC. I’d like to thank staff for the report and working through a complex process in terms of various variances, project drawings, the easement issue and all the things they had to deal with to put this project together. We appreciate their support for the project. I’d like to have our architect make a few comments about a couple of items in the staff report such as the cement board and elevation issues. We made a revision to the entry and we think that’s much more straightforward. I’d like if you allow me to return and make more specific comments about the proposed walkway easement.

**Commissioner Huynh:** If there are questions from the commissioners at that time, I may allow you to come back up a second time.

**Bob Kueppers:** If not, then I guess I would prefer to take my time now.

**Commissioner Huynh:** Ok, we’d like to hear it now if possible.

**Bob Kueppers:** The issue of the vacation of the 5<sup>th</sup> St sidewalk easement is a critical issue to us. We believe that it’s important as it relates to managing security for the development, recognizing there is a phase one and a phase two. If left remaining either as it is now or in relocating it just immediately to the north of the existing easement, then we believe that it divides the two developments and it becomes more troublesome in terms of managing security. The other comment I guess I would make about this specific proposal by City staff is that

is that this is a five foot easement that exists today and they're asking for 10 feet and it adds further complexity to try to develop phase two. We have a very constrained site in terms of either easements or just configuration. We really didn't have control over either of those items; it's the nature of the land that remains there after the development of Riverside Plaza. We've had a lot of issues to try to resolve and getting what we think is the best solution for that site. Having said that, we did take into consideration the concerns as stated by the community and, more specifically, if you review the petition that was circulated and signed and presented to us, the primary concern as expressed in that petition was elderly and Building E of Riverside Plaza. It was to get to the Brian Coyle Center where there's a food shelf. We're very sympathetic to that concern. After the numerous meetings with the community, we sat down and tried to figure out something that could meet our needs reasonably and the needs of the expressed concern. In doing that, we came up with this proposal that we submitted. This is the location of the existing easement. The entrance to the E Building is item number seven. This plan shows the Riverside Plaza complex with its various main entry points to the various segments of Riverside Plaza. All but number seven really have reasonably direct access to public walkways surrounding the Riverside Plaza development. This is phase one, which is what we're proposing to start with; phase two would go right in this area. The advantages that we believe exist with this proposal is that there is a walkway already there. It's not a complete walkway, but it's one that's been there for a long time and is a start for completing what we're proposing. The distance from this entrance to the easement area where the sidewalk is at this end or this end is 55 feet difference longer to here than from going from here and across. It's not perfect but we believe it's reasonable. As part of that we would also have to dedicate a walkway which we would keep on our property all the way. We own the property all the way through here so it would go to and match up with the E Building sidewalk and then 15<sup>th</sup> Ave which is on this side. This is a straight shot; the sidewalk goes along here from the entrance, down and across. This is an existing sidewalk looking towards 15<sup>th</sup> Ave from the parking lot. The second photo I'll show you is in the reverse, looking towards the E Building. We think there's a reasonable proposal here. We think moving it to the north provides us the opportunity to manage the security issues of managing the two properties on a long term basis. The existing walkway can be extended. At the end of the Brian Coyle Center where they have the food shelf is directly across from that walkway. We attended a meeting that the Public Works Department had to discuss the 15<sup>th</sup> Ave improvements which included the discussion of the sidewalk and the crossings. The last meeting we were at was January 8 of this year. The subject of crossings came up and the current thinking was to do midblock between what is 4<sup>th</sup> and vacated 5<sup>th</sup> and another one between vacated 5<sup>th</sup> and 6<sup>th</sup> St. We were comfortable with that approach and this would help achieve the midblock crossing.

**Commissioner Luepke-Pier:** How was this proposed crossing received by the residents as opposed to the midblock crossing?

**Bob Kueppers:** It was a little mixed depending upon who you spoke with. I can't speak for the community. One very important element of this...because, again, concern was to maintain some connection to 15<sup>th</sup> Ave...what we can do at the northerly location that we can't do practically is maintain this open during construction. We will be doing staging area in the phase two, we'd probably like to use this area as well, but this one we could build today, maintain it open during construction which is a 16-18 month period where there would be no connection. If we go through here, this will have to be close for 16-18 months. You can't maintain safety; it would have to be closed. We think that this offers that additional value. We own the underlying land all the way across. You asked the question about what the community thinks, I didn't hear any specific objections to it other than this is where we walk today and this is what we're used to. The reality is, where they walk today is crisscross all over open land. Some people use the existing sidewalk easement area but I would bet that 40% of ...because the land is wide open, people are just crisscrossing over private land and have been accustomed to that. With new development there is going to be a few changes and there is some inconvenience that comes with that. We are trying to address that reasonably and with sensitivity to the

concerns expressed. If it's found that our proposed alternative isn't acceptable then we would propose that we withdraw our request for a vacation of the 5<sup>th</sup> St sidewalk easement application.

**Commissioner Kronzer:** The vehicular access that I'll reference as "the red Z" on the plan that shows the green northern proposal, does that vehicular access stay as a Z shape when phase two is completed?

**Bob Kueppers:** Yes. It's an easement that, right now, the leg that goes out to 15<sup>th</sup> Ave, there is no roadway there now so it's not really used. That Z shaped easement will remain. It's private, not public.

**Commissioner Kronzer:** I suppose you exhausted the idea of making that a straight vehicular easement that parallels the green proposal.

**Bob Kueppers:** There is a cable easement that is 12 feet right up against that property on phase one so it doesn't make any sense to make our situation worse.

**Commissioner Wielinski:** So if the northern sidewalk is not approved then you would withdraw your request for a vacation of the southern piece?

**Bob Kueppers:** Correct.

**Commissioner Wielinski:** How then would you build your driveway?

**Bob Kueppers:** The architects would show you how we would handle that. We have looked at that issue and concluded that we needed to get simpler on our garage access.

**Mike Krych (222 N 2<sup>nd</sup> St) [not on sign-in sheet]:** I'm with BKV Group. We agree with a majority of the staff recommendations and we appreciate the efforts that have been put in for this kind of complicated project. We have a slight change to the parking garage entry. What we're looking to do is shift the entry off of the easement towards to south which provides us with three very simple gestures and it makes a lot of sense as it simplifies the movement into and out of the garage by having a straight access into the site and into our parking garage. The alignment of that would then be in alignment with the access to our underground parking garage. It makes the movement in and out of this a lot simpler and cleaner without having to do crossovers and angled access in and out. By doing this, we think it improves the safety in and out of the site. They are common sense components that we wanted to introduce here.

**Gretchen Camp (BKV) [not on sign-in sheet]:** The curb cut would only need to be 24 feet wide and we'll essentially be using the curb cut on 15<sup>th</sup>.

**Mike Krych:** Previously we were proposing 29 feet so we're reducing that back to 24 feet which is standard. The other item we wanted to discuss has to do with this new 30% coverage rule regarding the cement board siding. We will work with staff on where these materials occur so there is no ambiguity. Our position regarding the use of this 30% rule is that we think it does make a lot of sense related to the primary facades which are fronting public ways so the impact there is where we'd like to see that occur. One of the questions that we have is we're not sure where this 30% figure comes from. It seems a bit arbitrary and I guess I'm not sure if it's specific to this particular project or if it's more universal across the board to other projects. It seems arbitrary and I think part of the concerns that we have is that we've done a number of recent projects which illustrate a very creative use of the cement board siding materials and that has to do with being creative and providing articulation in color and movement and it's not necessarily reflective of the material. There can be projects around town that can be all clad in brick and stone and yet that doesn't automatically make them

pretty or workable. In fact, they may not be well design so it doesn't matter what the cladding material is. I think it has more to do with how it's designed and how the material is worked.

**Gretchen Camp:** I think this one is very poignant to the project because if you remember on 6<sup>th</sup> St we have a courtyard very similar to this that faces the street. This is Eitel Building City Apartments on Loring Park. The courtyards there use a lot of hardie board. It's in the recesses of the courtyard. Typically it's on non-primary facades and that's really our concern is we'd like to be using larger amounts than 30% on areas that are recessed in the courtyards and areas that are not seen by the public. On 6<sup>th</sup> and 15<sup>th</sup> we're going to meet that requirement.

**Mike Krych:** That being said, it's not seen from the public and it doesn't make it ugly or not lasting. The material is very durable and maintenance free. It has to do with detailing. We have questions on that and it doesn't quite make sense to us. It's not the same cost allocation as brick or stone or some other material so it provides more flexibility to the project that allows some of that quality and cost to also be returned to the inside of the project where the residents touch and feel every day elements within their units so it allows us to provide amenities within the project as well rather than just spending it on the exterior. That's very important. The living environment and quality is really important. I just want to point out on the main west elevation which is our primary entry elevation; we are planning to work with staff to make sure that this meets that 30% rule. We're essentially there anyways on that. The south elevation here, which includes the south face of the courtyard façade that's actually set back further, that in combination with the street facades meets the requirements as well. Within that courtyard it will provide variety having metal and cement board in their different colors. There's a lot going on and it will be interesting. The east elevation, the portion along the left side is the portion of the building which will be visible to the public realm and our intent is to meet the 30% rule on that portion of the façade as well. You'll see some heavy red dashed lines. That indicates the adjacent property, Cedar Riverside. The shorter line on that portion of the façade represents the parking garage that's six feet away from our project. As you move to the right, the vertical dashed line represents where the housing begins on the Cedar Riverside property. The majority of this façade from third level on down will not be able to be seen from the general public at all. Above that we provide the articulation and windows and interest to make it creative and interesting. We'd like to keep that as the cement fiberboard material. This is a cross section through the courtyards that reveals a different color for the cement board. As you look on the left side, this isn't a very good picture to show the reality of it but on the very left side there's a high quality material on the end that returns into the courtyard. At the face of the courtyard, that material is metal so it's quite interesting as you move around the courtyard where there's a change of materials and color and texture and there are balconies that project in and out within this courtyard so it's quite varied and interesting. The same happens on the right side or the north courtyard.

**Gretchen Camp:** On the north elevation, the project will not comply with the 30% cement board condition.

**Mike Krych:** This is a non-primary façade. The portion that's most visible will be along 15<sup>th</sup> and that's where we have a greater variety in materials. That being said, it's not an uninteresting façade and the material is durable. If we stay on this north façade, one of the conditions within the findings was to provide 30% glazing at the ground floor. With our building configuration and the location of the ramp, that isn't possible. Our ramp and that ramp wall is positioned right at the property and windows aren't allowed in that location. However, what we are trying to do is we're looking to add windows within the building façade.

**Gretchen Camp:** Updated from your packets, we've inserted windows here that are visible from 15<sup>th</sup> Ave so we're trying to meet the intent of the condition but we're really only at 15% so we're not meeting the 30% requirement on that façade because, per building code, these can't be windows but they can be recessed, articulated panels which we're showing.

**Mike Krych:** We're doing that to break up that façade along that portion of the building. The windows that we're adding are near the public realm near 15<sup>th</sup> St. You'll be able to perceive the storefront along 15<sup>th</sup> and that will wrap inward on this north elevation so it's continuous and windowed. That will provide visual access into the building and out. We think this meeting the spirit of the condition along with the articulation but there are code reasons why we can't provide actual windows there.

**Gretchen Camp:** On the east elevation, it was also recommended that we put recesses and articulation here. I guess if you just know the reality of this site, you're really butting up against a garage wall and I don't think spending...we're going to be six feet away from an existing condition that is a service area, a garage area here and I guess we just asked staff to look at that condition and see if it's really necessary to put recesses and articulation on the first floor wall that really faces a garage and a six foot strip that nobody is really going to walk in. We just don't know the value of adding articulation and recesses to our east façade on the first floor.

**Commissioner Huynh:** It sounds like you're proposing a modification to the easement; is that a substitution for what is in our packets? Or is that only in lieu of the Planning Commission not approving...

**Mike Krych:** We'd do this regardless.

**Gretchen Camp:** It just simplifies a lot of crossing of traffic.

**Commissioner Huynh:** So you would not need the vacation of the easement with your condition as you have it right there?

**Gretchen Camp:** I think the request of Mr. Kueppers is either the location on the north side of the property for the easement or withdrawing that application for that vacation of that sidewalk.

**Commissioner Huynh:** Withdrawal of that application would then result in this design proposal as you have it in front of us?

**Gretchen Camp:** Correct.

**Commissioner Huynh:** I think I heard it clearly stated that you're proposing to exceed 30% fiber cement in areas where it's not publicly facing...

**Gretchen Camp:** Non-primary facades.

**Rabia Abdullahi (3132 5<sup>th</sup> St S) [not on sign-in sheet]:** I'm a board member of Darul Quba Cultural Center which is the largest Somali cultural center in south Minneapolis in the area where this development will take place. We have a good relationship with Fine Associates and have been provided detailed information about the project Five15 at the Park. We're here today because we believe this is much needed development in our neighborhood and we hope you support it.

**Commissioner Cohen:** I have a comment. We are all very happy to see so many of you here today participating in this process. We welcome you. Your participation is admirable. We soon hope to see some of you sitting up here participating in the actual governance of this city. Thank you for coming today.

**Rabia Abdullahi:** I'm going to interpret what you said since many people here don't speak English.

**Abdullahi Sheikh (420 15<sup>th</sup> Ave S):** I'm not a resident of the place, but I do work there. My primary responsibility is working with the elderly. I will be speaking on behalf of the elders who come to the Brian



Coyle Center. Over the last six or seven months that I have been working there, I have developed a professional interest in the elderly. One is that they are very frail and isolated. Most of the elderly who live there are single and many of them are traumatized. Many of them have family who was killed back in the Civil War. I would like to say I have no personal interest with Fine Associates, but I would like to develop programs with them. They have simplified issues for you. I want to give you a common sense scenario. If you are able to access services or able to leave your house and you're going to the professional center, you don't take a road that takes you far away, you take the shortest road whether you are driving or whether you're walking or on crutches or a wheelchair. We have some of the most difficult weather here in the winter. This time, many of our clients do not come out and do not access our services. Some of them come for food support, others bring their kids. Whenever there is snow like this, they don't come out. Trivializing the issue to a level where you're able to say they will use this road and not the one that is direct, I think does not make sense. It has been said before by one of the Fine Associate speakers that this is trivializing us as people who like to crisscross. No. People are crisscrossing all over the place because they are trying to look for the easiest road to the place. I believe that close to about 20,000 people who come to Brian Coyle each year. Among those, I deal with about 350 cases with the elderly. I would like this project to come to the neighborhood. There are concerns that would be raised by other people but I want to stick to my professional work. I want this project to have a human face. When I say a human face, I mean I want them to accommodate the grievances, the pain, the aspirations of the elderly. These are people who have to make decisions to get out. If you ask them to go 100 feet away...and the place we are talking about is next to the Mixed Blood. Mixed Blood is going to have some construction in the next several months and I don't want the elderly to be tossed here and there. I'm assisting that they have access to the services they are getting from the Brian Coyle and I want that access to continue. I want to give more access to human beings rather than cars.

**Commissioner Huynh:** Thank you. I think we understand that you're proposing that they keep the existing sidewalk as is and continue discussions with the neighborhood. Thank you.

**Janet Curiel (606 27<sup>th</sup> Ave S):** I'm a West Bank Community Coalition member as well as an ESL teacher for adults at the Brian Coyle center and I've been there about 15 years. It is true that Fine Associates has forged a good relationship with some people from Darul Quba, however, there are other people who feel disenfranchised. When you consider that this is the most highly densely populated area of the entire Midwest, to add another large number of people is worrisome at best. We have to be very careful how we proceed. Many people have voiced the concern to me that they appreciate seeing a little bit of green space that will no longer be there. I understand the land is owned by Fine Associates and that is their prerogative, however, the city of Minneapolis is giving about \$45 million towards this project and some sort of tax rebates. For that reason, I think a very simple request of retaining that walkway as we have request, that that would be the very least they could do for the people. People fall and get injured. Because the West Bank Community Coalition initially has supported this project for some time, because of the division in this community regarding the project, I would say a 50/50 division, at our last meeting last Saturday; our agreement with the Fine Associates has been voted down by a 5-4 majority. That doesn't mean that people don't want to work with Fine Associates, but it means that there is dissatisfaction with what's going on. I would like to read a very short paragraph from [tape ended...]...current proposed blueprint on the grounds that it threatens basic accessibilities of our already space deprived community of families and elders. We welcome any developments in our community that will have a positive impact as well as increase our meager resources, not deplete them. We suggest that representatives of Fine Associates meet with neighborhood stakeholders and representatives to find workable solutions that will benefit the community as well as everyone else. My understanding is that many of the people here and that many of the residents believe that they will have the ability to move into these beautiful new apartments. Sadly, I don't believe that is true because my understanding is that they are not going to be Section 8 based housing so the people who are currently residing in Riverside Plaza will not necessarily have the ability in all likelihood to move to those apartments so they

will be staying where they are. They will be the low income people next to the middle and higher middle class people and I think that that will create a negative impact for them. I have an additional petition from the school that is housed in the plaza that every single day walks through the pathway that we are discussing and the children go there and play once or twice a day at the gym in Brian Coyle. They also feel they will be negatively impacted because they would have to go an extra distance. Thank you.

**Osman Ahmed (115 S 4<sup>th</sup> St):** I'm the leader of that area. I'm the chair of the community coalition as well as Riverside Plaza tenant association. I'm here to present the voice of my community. We are not opposed to the project; we welcome the project but we have many concerns. We don't want to rush approving without consulting, without having a dialogue with the community. We are opening the door for the Fine Associates to come with us and discuss the issues we have. Our issue is not only for the sidewalk, we have more issues. Sidewalks are only one issue. We have too many meetings and consulted a lot of people. We try to narrow our concerns. We welcome the project but don't want to rush something that a community opposes. We are requesting on behalf of my community that you not rush to approve this project until we solve all the concerns from the community. Thank you.

**Commissioner Luepke-Pier:** Can you briefly tell us what some of your other concerns are?

**Osman Ahmed:** The Cedar Riverside area is the highest congested area in the city of Minneapolis. People have concerns why we have a very small park that our kids play in and it's not enough for people who already live there. People are worried that if they receive more people they won't have enough space there. Riverside Plaza has a very nice view and people believe their view will be obstructed. Parking issues. The community would like to have community benefits from the Fine Associates project. It's something we are negotiating with Fine Associates. Safety in our neighborhood with so many units. The issues need to be solved before rushing the project.

**Amano Dube (420 15<sup>th</sup> Ave S):** I work in that neighborhood and have over 12 years. Though I don't live there, the neighborhood is almost like my home every day. My concern is about the 5<sup>th</sup> St sidewalk closing. One of the programs I work with at the Brian Coyle Center is the food shelf where we serve 1500 families every month. About 45-50 of those people are elderly. We give them a lot of food every day. They carry about 40 pounds of food, sometimes on their shoulder or a simple grocery cart. Sometimes we have to have staff and volunteers help them cross the street. Creating barriers is another burden on the elderly. It's not fair. Another easement that was created by the architect, about 190 feet away, near Mixed Blood, is inhuman. If you see Mixed Blood and the curbing, the most dangerous drive corner when the traffic comes and curves, it's dangerous. What I advocate for is keeping that and getting residents together to hear their concerns. Nobody is opposing this development totally. I support the idea that Osman said. If it has to happen, it has to happen reasonably.

**Bill Palmquist (1920 S 1<sup>st</sup> St) [not on sign-in sheet]:** I'm a member of the board of directors of the WBCC. We had a meeting of the board to vote on the MOU on March 2<sup>nd</sup>. The voting pattern of that 5-4...of the four votes voting for the MOU, one person was a new member of our board. Of the five that voted against it, three were new members also. One member voted to abstain and that member is a new member. The folks that are new have only attended two meetings so they have not had quite a bit of information that has been drawn up on this. You have a sequence of events that talks about what happened regarding notifying neighbors. The committee was formed in May of last year. Fine Associates did not get financing until July 5<sup>th</sup>. At that point, they started asking for contact with us, but we were doing things in the meantime like looking if we should have an MOU or CBA. The board was aware of all of this. Starting with July 6, we met with the neighbors and at that point the neighbors knew it was going to be a building. The questions we went through on that first meeting was a ranking of the benefits that we hoped to negotiate with Fine Associates. From then until the

February 14<sup>th</sup> meeting with the neighbors, every discussion was about the MOU and things of that nature. On February 27<sup>th</sup> it changed to complete objection to the project. For me, I lost confidence in the information I was getting. That is what I think you need to know in terms of how this process is unfolding. I have kept notes and at the February 14<sup>th</sup> meeting, virtually everybody that spoke against the project spoke against access. On the 27<sup>th</sup> meeting, it was virtually only the project. I have sat in my car for six hours on two separate days outside of the Coyle Center counting people who go to 4<sup>th</sup> St, 5<sup>th</sup> St and 6<sup>th</sup> St and what I have found out is that roughly 40-50% of the people who go to the Coyle Center...carrying groceries, those who are unstable and those who I deemed to be “other” went to 5<sup>th</sup> St and of those...on a Thursday the food shelf was open and was handing out packages that people had to take if they were walking in a cart. There were 24 people who walked to 5<sup>th</sup> St on that particular day. It indicated to me that a lot of people are being picked up and being carried around in a car to get back home, which is fine. I think you need to know that. Thank you.

Commissioner Huynh closed the public hearing.

**Commissioner Luepke-Pier:** Earlier testimony indicated that the controversial easement area, regardless of whether it's approved or moved or whatever, would be closed for 16-18 months; is that allowable? Can you close access to an easement?

**Staff Farrar:** To be honest, that's completely new to me. That has never been brought to my attention that they would be closing off access during the period of construction. I think it was probably assumed that the easement would go away and then it wouldn't be an issue. Throughout the city we see other situations where we have public sidewalk easements that are preserved during construction periods. I don't have a good answer; I haven't vetted that through Public Works. This is the first time I'm hearing of it.

**Commissioner Gagnon:** It's my understanding that if we don't move the easement, but it stays open – it will be both for cars and pedestrians, right? Or no, the pedestrian easement is separate?

**Staff Farrar:** Based on what I saw this evening, it appears to me that if they reconfigure the driveway it still accommodates two-way traffic and it still accommodates the easement as it currently exists. The issue is that the easement application itself is packaged in three so there are three separate requests within one vacation easement. It's not exactly an option to say we're going to pull it because then you're not vacating the other two easements on the site. If you decide, with the configuration change and if that works, and again I haven't looked at it and I'll assume it meets all the other criteria in the requirements, that if that easement stays in place, basically you can refer to that easement...basically that you're not approving it as part of the request whereas you're approving the other two sidewalk easements on the property that lead out to 6<sup>th</sup>. You can probably make that stipulation just by saying that the easement that currently leads out to 15<sup>th</sup> shall be maintained.

**Commissioner Gagnon:** And it would only be pedestrian?

**Staff Farrar:** Correct, based on what I saw.

**Commissioner Wielinski:** If that easement doesn't happen, are you still planning on having 29 foot driveway just moved over?

**Bob Kueppers:** The answer is yes.

**Commissioner Wielinski:** Ok, so then that variance would still be in place.

**Bob Kueppers:** We're down to 24 rather than 29.

**Commissioner Wielinski:** Is that 30% just an arbitrary number you've pulled out of a hat?

**Staff Farrar:** It's the number that we've been consistently requiring on projects. One thing that you could do in this specific circumstance would be to say that it's just street facing elevations as opposed to all given the configuration that this building is "H" shaped as opposed to being a traditional rectangular. You could do that and just say "street facing" and just insert that into the condition of approval. On that north elevation, there's only a portion of that elevation that's actually subject to window percentage. What they're showing now would actually be compliant so no adjustment needs to be made to that 30% window requirement on the north elevation.

**Commissioner Gagnon:** As it reads, what would we be approving? She just said it's not requiring 30%.

**Commissioner Huynh:** Under site plan review as the development team proposes, currently, item number three which is "the north elevation of the building shall comply with the 30% window requirement", they're proposing to go below the 30% just because their redesign of the floor plan, the development team feels they comply with the intent. The second item then, which is item number four, is speaking to the blank walls area on that one elevation at ground level and how the development team feels that's facing an area that isn't necessarily public facing or engaging so perhaps they'd ask for an exception on item four and then on item number five is the fiber cement conversation with exceeding 30% and whether or not if the Planning Commission would want to reconsider making that a stipulation for just non-primary facing facades.

**Commissioner Luepke-Pier:** For number three for the north elevation, I do think they met the intent. Adding that glazing along the drive aisle there actually made for a really nice approach and perspective from that façade.

**Staff Farrar:** Yes, and it's actually compliant as proposed this evening.

**Commissioner Luepke-Pier:** So we can just strike that condition altogether?

**Staff Farrar:** Yep, correct.

**Commissioner Luepke-Pier:** Number four, the blank wall – this is in regard to the blank wall that's six feet away from the parking garage. The elevation I saw where they had the red dashed line; the façade looked interesting from where the apartments from behind could see it and nobody is going to see it in a six foot alley, which isn't really even an alley. I'd rather see the money invested in better materials elsewhere. I did have a question in regard to number five. In regard to the walls where you're proposing a higher percent than 30% of cement board siding. What percentage is that number? Is it 100? Is it 50? Is it 35?

**Gretchen Camp:** On the facades that are non-primary, the percentage wouldn't be no greater than 60%.

**Commissioner Luepke-Pier:** On the ones that are primary, what's the percentage?

**Gretchen Camp:** On the south façade it's already 23% and then on the primary façade on 15<sup>th</sup> it'd be 30%. We'd be below 30% on both of those facades and around 60 on the courtyards. On some of the courtyards that face 6<sup>th</sup> would be more like 40, but the ones that really face nothing would be more like 60% hardie panel.

**Commissioner Luepke-Pier:** My question to you is, would you be willing to reduce that amount even further for primary facades to kind of shift the balance of quality materials to the public facades? I'm not saying a strict 1:1, but a little stronger than just meeting the 30%, maybe since you're meeting 23% on the one, maybe consider 22-23% for all of the other ones?

**Gretchen Camp:** We're just talking about the one material. In addition to that we have masonry, glazing, and balconies so I think the 30% is really reasonable for cement board siding considering we have a ground floor of slate or masonry, a lot of glazing and balconies that really break it up.

**Commissioner Luepke-Pier:** My personal opinion on it is, given the other elements, I'd feel comfortable setting a cap on the other facades of the 60% then so we're just not saying 100% cement board on those sides. I think the elevations I've seen have looked pretty pleasing overall.

**Commissioner Wielinski:** As the Park Board commissioner on this panel, I have a real problem with people not having ease of access to Brian Coyle. What I want to know from the developer is, do you or do you not want us to grant that easement? It's going to make a difference on how I would go forward with making a motion here. If you want the easement to be the one at 6<sup>th</sup> St, then the first thing I would make a motion to do is to deny the vacation because I would like these people to have access to our park.

**Bianca Fine (2424 Lake Place):** I work with Fine Associates. We have thought very hard about that access because on one side we recognize the usefulness of that, especially for people like the elderly or mothers that go to the food shelf and come back with bags. On the other side of the coin, you have the issue of safety; safety for the development and safety for them and safety for Riverside Plaza. We feel that to have the access where Mr. Kueppers proposed to put it is maybe not a perfect solution but is pretty good because with regard to the food distribution center at Brian Coyle as compared to the entrance or exit to building labeled as number seven, it creates a path which is 55 feet shorter than the one that would be if the easement were left where it is now. Moreover, the new easement would be an easement protected from vehicular traffic to a large extent. There would be a small portion where it would cross a parking lot, but we can put signs so that it can be very safe. It is a direct and safe path to the Brian Coyle Community Center.

**Commissioner Huynh:** I think that what you're getting at for Commissioner Wielinski's question is that your preferred option is the option that you're requesting in the application is to vacate all the easements and to relocate the easement that's going out to 6<sup>th</sup> to the north and not have it on the south. So that's your preferred option, correct?

**Bianca Fine:** Yes. I should add that we spoke all along this process with the Somali community and I'm sorry there are misconceptions about the project, which is largely affordable. Eighty percent of the units will be at 50-60% MMI, Section 8 voucher holders will be very welcome. We feel that this access has been very well received; not by everybody because you cannot please everybody.

**Commissioner Wielinski:** Becca, there is more than one easement that's being requested to vacation, can we somehow label them so know what they are?

**Staff Farrar:** This one is labeled as "sidewalk easement one" and the other two are "two" and "three". The specific one in question is "one". That's the one you could exempt.

**Commissioner Wielinski:** What I would like to do is move the vacation for only vacations two and three (Luepke-Pier seconded).

**Staff Farrar:** You may want to remove the condition of approval then. The rededication of an easement, because of the fact that the existing will be preferred.

**Commissioner Wielinski:** Ok, what she said.

**Commissioner Huynh:** So the motion we have in front of us is to approve the vacation for sidewalk easements two and three and to deny the sidewalk easement one and remove the condition one as we have it stated in the staff report.

**Aye:** Cohen, Gagnon, Kronzer, Luepke-Pier, Schiff and Wielinski.

**Recused:** Tucker

**Commissioner Wielinski:** I move staff recommendation for the CUP, item A (Luepke-Pier seconded).

**Aye:** Cohen, Gagnon, Kronzer, Luepke-Pier, Schiff and Wielinski.

**Recused:** Tucker

**Commissioner Wielinski:** I would like to move variances B, C, D and F as recommended by staff (Kronzer seconded).

**Aye:** Cohen, Gagnon, Kronzer, Luepke-Pier, Schiff and Wielinski.

**Recused:** Tucker

**Commissioner Wielinski:** I would move the variance E, striking out 29 feet and inserting 24 with the staff recommendation (Kronzer seconded).

**Aye:** Cohen, Gagnon, Kronzer, Luepke-Pier, Schiff and Wielinski.

**Recused:** Tucker

**Commissioner Luepke-Pier:** I will move staff recommendation for the site plan review, striking condition three and amending condition five to say that the cement board shall not exceed more than 30% coverage on primary elevations of the proposed building and not exceed 60% on secondary elevations (Wielinski seconded).

**Aye:** Cohen, Gagnon, Kronzer, Luepke-Pier, Schiff and Wielinski.

**Recused:** Tucker

**Commissioner Wielinski:** I will move the plat (Schiff seconded).

**Aye:** Cohen, Gagnon, Kronzer, Luepke-Pier, Schiff and Wielinski.

**Recused:** Tucker